

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE AT NASHVILLE

FILED
JUN 11 2021 DB

U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN.

ANDY L. ALLMAN

Petitioner

vs.

SONNY WEATHERFORD,
SHERIFF OF SUMNER
COUNTY, TN, and
HERBERT H. SLATERY, III,
TENNESSEE STATE
ATTORNEY GENERAL
Respondents

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Docket No. 3:21-cv-00267
From the Tennessee Court of Criminal
Appeals No. M2021-00196-CCA-R8-CO
Sumner County Criminal Court Cases:
No. 2017-CR-548
No. 2017-CR-875
No. 2020-CR-133
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**MOTION FOR RELEASE PENDING DISPOSITION OF PETITIONER'S PETITION
FOR WRIT IF HABEAS CORPUS AND IMMEDIATE RELIEF**

Comes now Petitioner and moves this Court for an Order releasing him on his own
recognition with GPS monitoring and daily reporting to Community Corrections pending
disposition of his Petition for Writ of Habeas Corpus and Immediate Relief. Petitioner began his
challenge to the unconstitutional detention on December 15, 2020. Six months of trial
preparation has now been lost. Instead of submitting a "reply" to Petitioner's filings, Respondent
has engaged in motion practice further prolonging disposition of habeas corpus relief. Petitioner
has no access to his trial preparation material. (See Amended Petition for Writ of Habeas Corpus
and Immediate Relief paragraphs 117 – 118, exhibit K thereto). During his 15 days of furlough
Petitioner completed GPS monitoring and daily reporting to Jennifer Woodard, District

Supervisor-Community Corrections, of Mid Cumberland Human Resource Agency without incident. (Exhibit 1 attached).

Pre-trial detention compromises a person's ability to participate in his or her defense leading to worse outcomes at every phase of the criminal process. *Bandy v. United States*, 81 S. Ct. 197, 198 (1960) A subsequent fair trial, or even a series of them, will not revive these lost opportunities. *Turner v. State*, 858 F. 2d 201, 208 (6th Cir. 1988) A subsequent fair trial and conviction does not remedy this deprivation. *Rose v. Mitchell*, 443 U.S. 545, 560 (1979); *State v. Kraus*, 397 N.W. 2d 671, 674 (Iowa 1986); *Accord United States ex. rel. Caruso v. Zelinsky*, 689 F. 2d 435, 438 (3rd Cir. 1982).

Wherefore, Petitioner moves this Court for an Order releasing him on his own recognizance with GPS monitoring and daily reporting to Community Corrections pending final disposition of his Habeas Relief Petition.

EXHIBIT 1



Jennifer Woodard

DISTRICT SUPERVISOR
COMMUNITY CORRECTIONS

MID-CUMBERLAND
HUMAN RESOURCE AGENCY
185 West Franklin St.
Gallatin, TN 37066

T. (615) 451.0024
F. (615) 451.4361
E. jennifer.woodard@mchra.com
W. mchra.com



MIDCUMBERLAND
Human Resource Agency

Respectfully submitted,



Andy L. Allman

Petitioner

117 W. Smith Street
Gallatin, TN 37066

CERTIFICATE OF SERVICE

I hereby certify that this Motion for Release has been served via U.S. Mail on the 14th Day of June, 2021 addressed to:

Zachary L Barker, Esq.
Assistant Attorney General
Federal Habeas Corpus Division
P.O. Box 20207
Nashville, TN 37202

Leah May Dennen
Sumner County Law Department
355 N. Belvedere Dr.
Room 303
Gallatin, TN 37066

Thomas B. Russell
Gullett, Sandford, Robinson & Martin, PLLC
150 Third Ave. S.
Suite 1700
Nashville, TN 37201



Andy L. Allman